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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONARD MICHAEL AGUILAR,

Defendant and Appellant.

C072211

(Super. Ct. No. CM036838)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

On June 30, 2012, defendant Leonard Michael Aguilar was found in possession of two grams of methamphetamine, a usable amount.

Defendant entered a negotiated plea of no contest to possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)) and admitted having served a prior prison term (1994 robbery) (Pen. Code, § 667.5, subd. (b)) in exchange for a stipulated sentence of four years and the dismissal of the remaining count (possession of drug paraphernalia, a misdemeanor) and allegations (two strike priors and two additional

prior prison terms) with a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754. Defendant's request to be released pending sentencing to attend a residential drug treatment facility was denied.

The court sentenced defendant to state prison for the stipulated four-year term (upper term of three years for the underlying offense plus one year for the prior prison term) and awarded a total of 168 days of presentence custody credit.

Defendant appeals.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

NICHOLSON, Acting P. J.

We concur:

HULL, J.

MURRAY, J.